

SUPPORT FOR THE AMENDMENTS

Claim 4 has been canceled.

Claims 1, 2, 5-8, and 10-13 have been amended.

The amendment of Claims 1, 2, 5-8, and 10-13 are supported by the corresponding claims as originally filed.

No new matter has been added by the present amendments.

REMARKS

The Office has required restriction in the present application as follows:

Group I: Claims 1-14, drawn to an enzymatic method of producing a peptide.

The Examiner has held that Claims 1-14 are further drawn to a variety of Groups. As such, the Examiner is restricting this application and is requiring an election as follows:

One of (see Claim 2):

- (A.) A culture of a microbe
- (B.) Microbial cells
- (C.) A treated microbial cell product

One of (see Claim 4):

- (D.) An unprotected peptide
- (E.) A c-protected peptide
- (F.) A peptide with a C-terminal amine

One of:

- (G.) SEQ ID NO: 6, encoded by SEQ ID NO: 5
- (H.) SEQ ID NO: 12, encoded by SEQ ID NO: 11
- (I.) An Empedobacter enzyme
- (J.) A Sphingobacterium enzyme

One of:

- (K.) An L-alanine ester
- (L.) A glycine ester
- (M.) An L-heroin ester
- (N.) An L-tyrosine ester
- (O.) A D-alanine ester

Applicants elect for further examination, with traverse, Group I, Claims 1-14 and the following groups: Group (H) and Group (K). Applicants submit that no election is necessary between Groups (A) – (C) and Groups (D) - (F) in view of the amendment of Claim 2 and the cancellation of Claim 4. Specifically, Applicants note that Claim 2 has been amended such that the enzyme is obtained from a microbe. In view of this amendment, none of Groups (A)

– (C) apply and, therefore, no election needs to be made. With respect to Groups (D) – (F), this election pertains to Claim 4, which has been canceled herein. As such, no election needs to be made.

The Office has characterized the Groups of (A) – (C), (D) – (F), (G) – (J), and (K) – (O) as unrelated. Citing MPEP §806.04 and MPEP §808.01, the Office alleges that the inventions of (A) – (O) are unrelated. In addition, citing MPEP §806.05(h), the Office concludes that the methods of (A) – (O) comprise different steps, utilize different products and/or produce different results. However, the Office has not provided sufficient reasons and/or examples to support this assertion. The Office has merely stated the conclusion. Accordingly, the Office has failed to meet the burden necessary in order to sustain the Restriction Requirement. Accordingly, Applicants respectfully submit that the Restriction Requirement should be withdrawn.

Applicants respectfully traverse on the additional grounds that the Office has not shown that a burden exists in searching the entire application.

Moreover, the MPEP in §803 states as follows:

“If the search and examination of an entire application can be made without a serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.”

Applicants respectfully submit that a search of all the claims would not impose a serious burden on the Office.

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Reply to the Restriction Requirement mailed December 1, 2005

Applicants respectfully submit that the above-identified application is now in condition for examination on the merits, and early notice of such action is earnestly solicited.

Respectfully submitted,

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